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Filing date: **07/31/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91195961
Party	Defendant Kelly Van Halen
Correspondence Address	DON THORNBURGH DON THORNBURGH LAW CORPORATION 466 FOOTHILL BLVD , # 220 LA CANADA FLINTRIDGE, CA 91011-3518 UNITED STATES uspto@donthornburgh.com
Submission	Motion to Compel Discovery
Filer's Name	Don Thornburgh
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Signature	/Don Thornburgh/
Date	07/31/2012
Attachments	91195961 Motion for Order to Compel 07.31.2012.pdf (44 pages)(3240850 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ELVH, Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91195961
)	
Kelly Van Halen,)	
)	
Applicant.)	
)	
Mark: KELLYVANHALEN)	
)	
Serial No. 77/919644, 77/919645)	
)	
Filed: January 28, 2010)	
)	
Published: June 8, 2010)	
)	

APPLICANT’S MOTION FOR ORDER TO COMPEL,
TO SUSPEND AND TO EXTEND

Pursuant to Trademark Rule 2.120(d)(1) and Rule 26 of the Federal Rules of Civil Procedure, Applicant/Petitioner Kelly Van Halen (“Applicant”) moves the Board for an order compelling ELVH, Inc. (“Opposer”) to answer Applicant’s First Set of Interrogatories within 30 days of the Board’s order by mailing them to Applicant’s counsel at the address of record. This motion is based on the fact that Opposer without justification failed and refused to answer any of Applicant’s First Set of Interrogatories. Applicant’s First Set of Interrogatories were served on Opposer on May 18, 2012. Exhibit A.

Pursuant to Trademark Rule 2.120, Applicant has made a good faith attempt to resolve the issues presented by this motion, but Opposer has refused to alter its position.

On May 18, 2012, Applicant duly served on Opposer 39 (including sub-parts) interrogatories, together with Applicant's First Set of Requests for Admissions and Applicant's first set of Requests for Production of Documents. A copy of Applicant's First Set of Interrogatories, annotated to reflect the number served, is attached as Exhibit A. Opposer responded to the Requests for Admissions and to the First Set of Requests for Documents. Rather than responding to Applicant's First Set of Interrogatories, however, Opposer refused to answer the interrogatories. Opposer served on Applicant a general objection to the interrogatories on June 22, 2012. Exhibit B.

On June 20 and June 21, 2012, counsel for Opposer and counsel for Applicant communicating via e-mail, and Opposer's counsel communicated Opposer's position that Applicant's Interrogatory No. 37 itself comprises 111 interrogatories.

On July 25, 2012, counsel for the parties discussed by telephone their disagreement with regard to the number of interrogatories, in a good faith effort to resolve the disagreement, and Opposer refused to modify its position. As of the date of this motion, Opposer has refused to alter its position, thus making it necessary for Applicant to file this motion.

I. OPPOSER HAS WITHOUT JUSTIFICATION REFUSED TO ANSWER APPLICANT'S INTERROGATORIES

Rule 2.120(d)(1) provides, in relevant part, that *The total number of written interrogatories which a party may serve upon another party pursuant to Rule 33 of the Federal Rules of Civil Procedure, in a proceeding, shall not exceed seventy-five, counting subparts, except that the Trademark Trial and Appeal Board in its discretion, may allow additional interrogatories upon motion therefore showing good cause, or upon stipulation of the parties.*

On May 18, 2012, Applicant duly served on Opposer 37 interrogatories. A copy of Applicant's First Set of Interrogatories is attached, annotated to indicate Applicant's counting method. Exhibit A.

Opposer appears to take the position that Applicant's interrogatories exceed the presumptive limit of 75 on the grounds that Interrogatory No. 37 asks for particular information regarding *each* of Applicant's First Set of Requests for Admission, and therefore should be multiplied by the total number of requests for admissions.

Opposer's contention violates the Board's express rules on counting interrogatories. As TBMP 405.03(d) states:

If an interrogatory requests "all relevant facts and circumstances" concerning a single issue, event, or matter; or asks that a particular piece of information, such as, for example, annual sales figures under a mark, be given for multiple years, and/or for each of the responding party's involved marks, it will be counted as a single interrogatory.

See also, Notice of Final Rulemaking, 54 Fed. Reg. 34886 (August 22, 1989) which provides:

The [rule] has not been modified to provide for extra interrogatories in cases where more than one mark is pleaded by the plaintiff, or where the proceeding involves more than one mark registered or sought to be registered by the defendant, because in such cases the adverse party may simply request that each interrogatory be answered with respect to each mark, and the interrogatories will be counted the same as if they pertained to only one mark.

Here, the disputed Interrogatory No. 37 asks for a particular piece of information regarding Opposer's answer to any requests for admissions which were not unqualified

admissions. As such, each such response which was an unqualified admission (in this case, 14 of the 38 responses) do not factor into the calculations whatsoever. Applicant maintains that Interrogatory No. 37 should be counted as a single interrogatory, having three sub-parts, seeking a particular piece of information about the denial or qualified admissions. A copy of Opposer's responses to Applicant's First Set of Requests for Admissions (which includes the requests for admissions themselves) is attached as Exhibit C.

Just as the rules clearly provide that an interrogatory referring to more than one mark will be treated as a single interrogatory, here the reference to requested admissions should be so treated. Interrogatory No. 37 essentially asks Opposer to provide "all relevant facts and circumstances" concerning the denials and unqualified admissions. As such, even assuming arguendo that Opposer were correct that Interrogatory No. 37 could be multiplied by the number of denied or qualified answers to the requests for admissions, Applicant's interrogatories still remain well within the limit.

Applicant served all of its discovery requests during the discovery period, which ended on June 1, 2012. Opposer served its responses, and the general objection to the interrogatories, on June 22, 2012, and the parties' counsel were unable to resolve their disagreement regarding the number of interrogatories at that time. A final effort to resolve the disagreement by telephone took place on July 25, 2012, without success. According the current calendar, Opposer's 30-day trial period is scheduled to commence on August 1, 2012. Justice would be served by granting this motion. Opposer clearly has unfairly and without any justification refused to answer any of Applicant's interrogatories, which would dramatically undermine with Applicant's ability to present all the facts pertinent to this matter. On the other hand, Applicant would be unduly prejudiced by the Board not granting this motion, as Opposer has used its unfair and unjustified objection as a basis not only to refuse to answer ANY interrogatories. As all the conditions of Rule 2.120(d)(1) are met, this Motion should be granted.

II. MOTIONS TO SUSPEND AND TO EXTEND

Applicant also moves to suspend this proceeding pending disposition of the Motion to Compel, except for responses to any outstanding discovery requests, which consist only of Applicant's First Set of Interrogatories which are the subject of this motion. Granting the Motion to Suspend will serve the interests of justice and economy by allowing Applicant to determine the information grounding the case before proceeding to the trial phase.

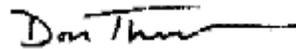
In the event the Board grants the Motion to Compel, Applicant requests that Opposer be allowed 30 days to respond to Applicant's First Set of Interrogatories. Alternatively, in the event the Board denies this motion, Applicant requests that Applicant be allowed to serve an amended set of interrogatories, modified to adjust the total number of interrogatories to conform to the Board's ruling. Either such extension would be in the interest of justice as it should bring to light facts that will aid the Board in deciding the case.

III. CONCLUSION

Thus, for the foregoing reasons, Applicant's Motion for Leave to Compel and to Suspend and Extend should be granted because doing so is consistent with settled law, and because not doing so would unduly prejudice the rights of Applicant.

Dated: May 12, 2011

Respectfully submitted,
Don Thornburgh Law Corporation
466 Foothill Boulevard #220
La Cañada Flintridge, CA 91011



Don Thornburgh
for Don Thornburgh Law Corporation

Attorney for Applicant,
Kelly Van Halen

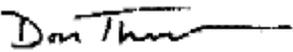
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ELVH, Inc.,)	
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Opposer,)	
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v.)	
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Kelly Van Halen,)	Opposition No. 91195961
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Applicant.)	
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Mark: KELLYVANHALEN)	
)	
Serial No. 77/919644, 77/919645)	
)	
Filed: January 28, 2010)	
)	
Published: June 8, 2010)	
_____)	

Certificate of Service

I hereby certify that a true and complete copy of the foregoing APPLICANT’S MOTION FOR ORDER TO COMPEL, TO SUSPEND AND TO EXTEND has been served on the attorney of record for Opposer ELVH, Inc., at the correspondence address of record in the records of the USPTO, by mailing said copy on July 31, 2012, via First Class Mail, postage prepaid to:

Jeffrey R. Cohen, Esq.
Millen White Zelano & Branigan, P.C.
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201



Don Thornburgh
for Don Thornburgh Law Corporation

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ELVH, Inc.,

Opposer,

Opposition No. 91195961

v.

Kelly Van Halen,

Applicant.

Mark: KELLYVANHALEN

Serial No. 77/919644, 77/919645

Filed: January 28, 2010

Published: June 8, 2010

APPLICANT'S FIRST SET OF INTERROGATORIES

PROPOUNDING PARTY: Applicant, Kelly Van Halen

RESPONDING PARTY: Opposer, ELVH, Inc.

SET NO.: One

Applicant, Kelly Van Halen ("Applicant") requests, pursuant to Federal Rule of Civil Procedure 36 and 37 C.F.R. § 2.120, that opposer, ELVH, Inc. ("Opposer"), answer the following First Set of Interrogatories under oath within thirty (30) days of the date of service hereof.

I.

DEFINITIONS AND INSTRUCTIONS

1. In answering these interrogatories, the responding party is required to provide not only such information as is known to it, its agents, and its affiliates, but also information that is in the possession of its attorneys, legal assistants, investigators, and anyone else acting on its behalf, under its control, or working cooperatively with it.

2. A request that You identify or include the identity of a person calls for You to provide the identifying information, including the person's full name, last known address, and last known telephone number; and the name, address, and telephone number of the person's employer, and the person's last known position or title.

3. As used herein, the term "document(s)" refers to documents, writings, and recordings, as defined in Federal Rule of Evidence 1001, and includes the originals and all copies of handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, symbols, magnetic impulses, electronic recordings, or combinations thereof. This definition shall apply to all documents on the particular subject of which You have any knowledge or information, irrespective of who has possession, custody, or control of the documents, and irrespective of who prepared, generated, or signed the documents.

4. A request that You include an identification of a document calls for You to describe the document with sufficient particularity such that You could locate it if requested to do so. You are requested to provide the following information in your identification:

- A. The date of the document or a best estimate of the date;
- B. The name of the author(s) and the name of the addressee(s);
- C. The substance of the document; and

D. The location of the original document or, if unknown, the location of any copies.

5. A request that You state all facts calls for You to state each and every fact known or available to You, including, but not limited to all evidence, contentions, and opinions that You, your attorneys, legal assistants, investigators, and all persons acting on your behalf, under your control, or working cooperatively with You, have or hold.

6. You have a duty to supplement your responses to these interrogatories at such times and to the extent required by Rule 26(e) of the Federal Rules of Civil Procedure.

7. As used herein, “You” includes your subsidiary and related companies.

8. As used herein, “Your Marks” means the marks upon which You base this opposition proceeding, including without limitation your alleged marks “Van Halen”.

II.

INTERROGATORIES

1 INTERROGATORY NO. 1:

Describe in detail the circumstances of the adoption and use by You of each and every mark or trade name incorporating “VAN HELEN” as an element, including a detailed specification of each good and service offered with respect to each such mark or name and the time periods during which each such mark or name was used with respect to each such good and service.

2 INTERROGATORY NO. 2:

Describe with particularity all goods and services that have been offered in connection with Your Marks and, separately for each of Your Marks and each good or

service, state the quantity by year (since the inception of your use) of each good or service that has been sold and the annual gross revenues earned by You from such sales.

3 **INTERROGATORY NO. 3:**

For each mark and each good or service, separately state the annual amounts expended for marketing, advertising, and promoting the goods and/or services sold in connection with “VAN HALEN” and any other names or marks including “VAN HALEN”.

4 **INTERROGATORY NO. 4:**

Describe in detail your marketing and promotional efforts in conjunction with Your Marks, including a description of the marketing and promotion channels utilized in advertising and promoting the goods sold in connection with Your Marks and a description of each and every brochure, advertisement (including but not limited to video and audio advertisement), and all other printed promotional materials used or distributed.

5 **INTERROGATORY NO. 5:**

Identify all persons, whether or not employed by You, who prepares or who has prepared advertisements, press releases, or other promotional materials for You, who performs or has performed public relations services for You, or who has consulted with or offered advice to You with respect to marketing, merchandising, trademarks, branding, corporate identity, trade identity, product identity, advertising, or promotional activities.

6 **INTERROGATORY NO. 6:**

Identify all persons, whether or not employed by You, who have been involved in selling your goods or services.

7 **INTERROGATORY NO. 7:**

For each of the goods and services sold or provided in conjunction with Your Marks, identify your customers and describe the degree of care exercised by your customers in purchasing the goods and/or services sold in connection with Your Marks.

8 **INTERROGATORY NO. 8:**

Identify the location of each place where You have offered goods and/or services for sale in connection with Your Marks and state the inclusive dates during which such goods and/or services were offered at each such location.

9 **INTERROGATORY NO. 9:**

State the date on which and describe with particularity the circumstances pursuant to which You first became aware of any use of any mark including “VAN HALEN” by the applicant.

10 **INTERROGATORY NO. 10:**

If You contend that You would be damaged by the continued use and/or registration of “KELLY VAN HALEN”, or any trade name, trademark, or service mark incorporating “KELLY VAN HALEN”, by the applicant in this action, please state all facts, including an identification of all relevant documents and all persons with knowledge of such facts, which support your contention, including a calculation of your alleged damages.

11 **INTERROGATORY NO. 11:**

If You contend that the applicant in this action adopted any name or mark in bad faith, for an improper purpose, or otherwise acted with an improper motive, please state all

facts, including an identification of all relevant documents and all persons with knowledge of such facts, which support your contention.

12 **INTERROGATORY NO. 12:**

If You contend that “Kelly Van Halen” has not been the applicant’s legal name since September 23, 1984, please state all facts, including an identification of all relevant documents and all persons with knowledge of such facts, which support your contention.

13 **INTERROGATORY NO. 13:**

If You contend that the applicant in this action is not entitled to use her legal name, Kelly Van Halen, in conducting her business activities, please state all facts, including an identification of all relevant documents and all persons with knowledge of such facts, which support your contention.

14 **INTERROGATORY NO. 14:**

Describe in detail each inquiry You have ever received or know about as to whether the services and/or goods offered by You in connection with Your Marks are associated with, affiliated with, sponsored by, approved by, and/or connected with the applicant.

15 **INTERROGATORY NO. 15:**

If You contend that there has been any actual confusion as the result of any activities by the applicant in this action or by the use of any name or mark by the applicant in this action, please state all facts, including an identification of all relevant documents and all persons with knowledge of such facts, which support your contention.

16 **INTERROGATORY NO. 16:**

If You contend that any likelihood of confusion exists because of any activities by the applicant in this action or because of any use by the applicant in this action of any

name or mark, please state all facts, and include an identification of all relevant documents and all persons with knowledge of such facts, which support your contention.

17

INTERROGATORY NO. 17:

Identify all persons whom You believe to have knowledge concerning the subject matter of this proceeding, or of each of these interrogatories, and describe the basis of each person's knowledge.

18

INTERROGATORY NO. 18:

If You have conducted or caused to be conducted any investigation, survey, shopping test, or consumer reaction test involving "VAN HALEN", describe in detail each such investigation, survey, shopping test, or consumer reaction test, including the identity the persons who conducted or participated in conducting it.

19

INTERROGATORY NO. 19:

Identify each person whom You expect to call as an expert witness, the substance of the facts and opinions to which the expert is expected to testify and grounds for each opinion, and identify all documents reviewed or prepared by such expert with respect to the subject matter of this case.

20

INTERROGATORY NO. 20:

For each person or entity that you have become aware of that has used or incorporated "VAN HALEN" as part of a trade name, trademark, or service mark, please identify the person or entity and describe any actions you have taken with respect to such person or entity after becoming aware of such person's or entity's use of "VAN HALEN".

21

INTERROGATORY NO. 21:

Describe in detail, including date, jurisdiction, case number, conclusion and status, any litigation, interference, conflicts, opposition, cancellation proceedings, and other proceedings, involving Your Marks.

22

INTERROGATORY NO. 22:

Describe with particularity all of the specific items of furniture or home furnishings which You were actively selling under any “VAN HALEN” mark as of January 25, 2010.

23

INTERROGATORY NO. 23:

Describe with particularity any bathing suits, blouses, coats, coverups, dresses, hats, jackets, jeans, leggings, lounge pants, pajamas, pants, ponchos, robes, scarves, sweaters, or vests which You were actively selling under any “VAN HALEN” mark as of January 25, 2010.

24

INTERROGATORY NO. 24:

Describe with particularity all of the bed blankets, blanket throws, children's blankets, or lap blankets which You were actively selling under any “VAN HALEN” mark as of January 25, 2010.

25

INTERROGATORY NO. 25:

Describe with particularity all of the building construction services which You were actively selling under any “VAN HALEN” mark as of January 25, 2010.

26

INTERROGATORY NO. 26:

Describe with particularity all of the interior design services which You were actively selling under any “VAN HALEN” mark as of January 25, 2010.

27

INTERROGATORY NO. 27:

State the target market for the goods and/or services identified in response to Interrogatory No. 2 and Interrogatories No. 22 through No. 26 above.

28

INTERROGATORY NO. 28:

State the price or price range (or intended price range) for the goods and/or services identified in response to Interrogatory No. 2 and Interrogatories No. 22 through No. 26 above.

29

INTERROGATORY NO. 29:

Describe with particularity the involvement of Edward Van Halen with Opposer's use of Opposer's Marks.

30

INTERROGATORY NO. 30:

Describe with particularity the involvement of Alex Van Halen with Opposer's use of Opposer's Marks.

31

INTERROGATORY NO. 31:

Describe with particularity the involvement of Matt Bruck with Opposer's use of Opposer's Marks.

32

INTERROGATORY NO. 32:

Describe with particularity the involvement of Tracy Taub with Opposer's use of Opposer's Marks.

33

INTERROGATORY NO. 33:

Describe with particularity the involvement of Janie Van Halen with Opposer's use of Opposer's Marks.

34 **INTERROGATORY NO. 34:**

State whether Janie Van Halen is entitled to use the name “Janie Van Halen” in connection with providing services to others as a publicist.

35 **INTERROGATORY NO. 35:**

State whether Janie Van Halen is entitled to use the name “Janie Van Halen” in connection with providing services to others as a stunt performer.

36 **INTERROGATORY NO. 36:**

State whether Janie Van Halen is entitled to use the name “Janie Van Halen” in connection with providing services to others as an actress.

INTERROGATORY NO. 37:

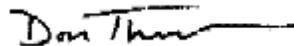
If Your response to any of the Requests for Admissions served contemporaneously herewith in APPLICANT’S FIRST SET OF REQUESTS FOR ADMISSIONS TO OPPOSER is not an unqualified admission, for each such Request:

- 37** (a) state all facts upon which you base your response;
- 38** (b) state the name, address and telephone numbers of each person who has knowledge of those facts; and
- 39** (c) identify all Documents that support Your response.

Dated: May 18, 2012

Respectfully submitted,

Don Thornburgh Law Corporation
466 Foothill Boulevard #220
La Cañada Flintridge, CA 91011
Tel. 818.790.6547/Fax 818.790.6548



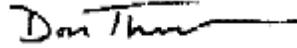
Don Thornburgh
Attorney for Kelly Van Halen

CERTIFICATE OF SERVICE AND MAILING

It is hereby certified that a copy of the foregoing APPLICANT'S FIRST SET OF INTERROGATORIES is being transmitted via e-mail to cohen@mwzb.com (with consent of opposing counsel) to Opposer's attorney of record:

Jeffrey R. Cohen, Esq.
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Arlington, Virginia 22201

Executed this 18th day of May, 2012, at La Cañada Flintridge, California.



Don Thornburgh

EXHIBIT B

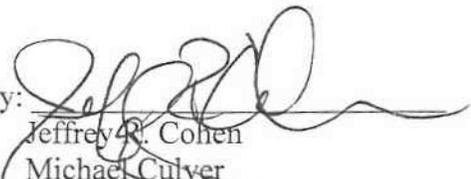
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____	Application Ser. Nos. 77919644 and 77919645 Marks: KELLYVANHALEN
ELVH, INC.	
Opposer,	
v.	Opposition No. 91195961
KELLY VAN HALEN	
Applicant.	

OPPOSER'S RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES

Because Applicant's First Set of Interrogatories exceed the permissible limit of 75 including subparts, Opposer hereby submits this general objection in lieu of any responses or specific objections. *See* 37 CFR § 2.120(d)(1) and TBMP 405.03.

Date: June 22, 2012

By: 
Jeffrey R. Cohen
Michael Culver
Adam D. Mandell
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Arlington, Virginia 22201
Phone (703) 243-6333
Fax (703) 243-6410
Email cohen@mwzb.com

Attorneys for Opposer

Certificate of Service

This is to certify that a copy of the foregoing was served this 22 day of June 2012 by first-class mail, postage prepaid, on the following as Applicant's attorney of record:

Don Thornburgh, Esquire
DON THORNBURGH LAW CORPORATION
466 FOOTHILL BLVD # 220
LA CANADA FLINTRIDGE, CA 91011-3518

By:



Attorney for Opposer

EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____	}	Application Ser. Nos. 77919644
	}	and 77919645
ELVH, INC.	}	Marks: KELLYVANHALEN
	}	
Opposer,	}	
	}	
v.	}	Opposition No. 91195961
	}	
KELLY VAN HALEN	}	
	}	
Applicant.	}	
_____	}	

OPPOSER'S RESPONSES TO APPLICANT'S FIRST REQUEST FOR ADMISSIONS

Opposer hereby provides the following objections and responses to Applicant's First Request for Admissions in accordance with Fed. R. Civ. P. 36(a).

REQUEST FOR ADMISSION NO. 1:

Admit that since September 23, 1984, Applicant's legal name has been Kelly Van Halen.

ADMITTED up until the time Applicant was divorced from Alex Van Halen; after that time Opposer lacks knowledge or information sufficient to admit or deny this request based on known or readily available information.

REQUEST FOR ADMISSION NO. 2:

Admit that Applicant has the legal right and is entitled conduct her business using her legal name, Kelly Van Halen.

DENIED.

REQUEST FOR ADMISSION NO. 3:

Admit that Opposer's U.S. trademark registrations having serial numbers 78145392, 78145326, 77020189, and 76344683 for "VAN HALEN" identify living individuals, namely, Alex Van Halen and Edward Van Halen.

DENIED.

REQUEST FOR ADMISSION NO. 4:

Admit that Opposer's U.S. trademark registrations having serial numbers 78145392, 78145326, 77020189, and 76344683 for "VAN HALEN" do not specify that the mark identifies a living individual.

ADMITTED.

REQUEST FOR ADMISSION NO. 5:

Admit that Opposer does not own any registered trademarks with respect to the mark "VAN HALEN" for goods or services which are not directly related to the activities of the rock band having the name "VAN HALEN".

DENIED.

REQUEST FOR ADMISSION NO. 6:

Admit that Opposer does not own any registered trademarks with respect to the mark "VAN HALEN" for armoires, chairs, dining tables, end tables, entertainment centers, pillows, sofas, tables, or upholstered furniture.

ADMITTED.

REQUEST FOR ADMISSION NO. 7:

Admit that Opposer does not own any registered trademarks with respect to the mark "VAN HALEN" for bed blankets, blanket throws, children's blankets, or lap blankets.

ADMITTED.

REQUEST FOR ADMISSION NO. 8:

Admit that Opposer does not own any registered trademarks with respect to the mark “VAN HALEN” for bathing suits, blouses, coats, coverups, dresses, jackets, leggings, lounge pajamas, ponchos, robes, scarves, or vests.

DENIED.

REQUEST FOR ADMISSION NO. 9:

Admit that Opposer does not own any registered trademarks with respect to the mark “VAN HALEN” for building construction, construction management, construction of environmentally responsible residential real property, custom construction and building renovation, housing services, namely, repair, improvement, and construction of residential real property, installation and maintenance of solar thermal installations, or residential and building construction consulting.

ADMITTED.

REQUEST FOR ADMISSION NO. 10:

Admit that Opposer does not own any registered trademarks with respect to the mark “VAN HALEN” for design of specialty interior and exterior environment settings, interior design services, or interior design services including space planning, furniture selection, material and surface selection.

ADMITTED.

REQUEST FOR ADMISSION NO. 11:

Admit that the use of the mark KELLYVANHALEN by Applicant for armoires, chairs, dining tables, end tables, entertainment centers, pillows, sofas, tables, and upholstered furniture

is not likely to cause confusion, or to cause mistake, or to deceive as to any affiliation, connection, or association of Applicant or Applicant's goods with Opposer or Opposer's goods.

DENIED.

REQUEST FOR ADMISSION NO. 12:

Admit that the use of KELLYVANHALEN by Applicant for bed blankets; blanket throws, children's blankets, and lap blankets is not likely to cause confusion, or to cause mistake, or to deceive as to any affiliation, connection, or association of Applicant or Applicant's goods with Opposer or Opposer's goods.

DENIED.

REQUEST FOR ADMISSION NO. 13:

Admit that the use of KELLYVANHALEN by Applicant for bathing suits, blouses; coats, coverups, dresses, hats, jackets, jeans, leggings, lounge pants, pajamas, pants, ponchos, robes, scarves, shirts, sweaters, and vests is not likely to cause confusion, or to cause mistake, or to deceive as to any affiliation, connection, or association of Applicant or Applicant's goods with Opposer or Opposer's goods.

DENIED.

REQUEST FOR ADMISSION NO. 14:

Admit that the use of KELLYVANHALEN by Applicant for building construction, construction management, construction of environmentally responsible residential real property, custom construction and building renovation, housing services, namely, repair, improvement, and construction of residential real property, installation and maintenance of solar thermal installations, and residential and building construction consulting is not likely to cause confusion,

or to cause mistake, or to deceive as to the origin, sponsorship, or approval of Applicant's services by Opposer.

DENIED.

REQUEST FOR ADMISSION NO. 15:

Admit that the use of KELLYVANHALEN by Applicant for design of specialty interior and exterior environment settings, interior design services, and interior design services including space planning, furniture selection, material and surface selection is not likely to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship, or approval of Applicant's services by Opposer.

DENIED.

REQUEST FOR ADMISSION NO. 16:

Admit that Applicant is entitled to register KELLYVANHALEN for armoires, chairs, dining tables, end tables, entertainment centers, pillows, sofas, tables, and upholstered furniture.

DENIED.

REQUEST FOR ADMISSION NO. 17:

Admit that Applicant is entitled to register KELLYVANHALEN for bed blankets; blanket throws, children's blankets, and lap blankets.

DENIED.

REQUEST FOR ADMISSION NO. 18:

Admit that Applicant is entitled to register KELLYVANHALEN for bathing suits, blouses; coats, coverups, dresses, hats, jackets, jeans, leggings, lounge pants, pajamas, pants, ponchos, robes, scarves, shirts, sweaters, and vests.

DENIED.

REQUEST FOR ADMISSION NO. 19:

Admit that Applicant is entitled to register KELLYVANHALEN for building construction, construction management, construction of environmentally responsible residential real property, custom construction and building renovation, housing services, namely, repair, improvement, and construction of residential real property, installation and maintenance of solar thermal installations, and residential and building construction consulting.

DENIED.

REQUEST FOR ADMISSION NO. 20:

Admit that Applicant is entitled to register KELLYVANHALEN for design of specialty interior and exterior environment settings, interior design services, and interior design services including space planning, furniture selection, material and surface selection.

DENIED.

REQUEST FOR ADMISSION NO. 21:

Admit that Opposer would suffer no harm by Applicant's registration of KELLYVANHALEN for the goods and services described in the Applicant's U.S. trademark applications having serial numbers 77919644 and 77919645 (the "Applicant's Marks").

DENIED.

REQUEST FOR ADMISSION NO. 22:

Admit that Opposer is aware of no instance of a consumer being deceived, confused, or mistaken as the result of Applicant's use of KELLYVANHALEN in connection with its goods and services.

ADMITTED.

REQUEST FOR ADMISSION NO. 23:

Admit that Opposer does not presently use the mark “VAN HALEN” in commerce in connection with armoires, chairs, dining tables, end tables, entertainment centers, pillows, sofas, tables, or upholstered furniture.

ADMITTED.

REQUEST FOR ADMISSION NO. 24:

Admit that Opposer does not presently use the mark “VAN HALEN” in commerce in connection with bed blankets; blanket throws, children's blankets, or lap blankets.

ADMITTED.

REQUEST FOR ADMISSION NO. 25:

Admit that Opposer does not presently use the mark “VAN HALEN” in commerce in connection with bathing suits, blouses, coats, coverups, dresses, jackets, leggings, lounge pajamas, ponchos, robes, scarves, or vests.

DENIED.

REQUEST FOR ADMISSION NO. 26:

Admit that Opposer does not presently use the mark “VAN HALEN” in commerce in connection with building construction, construction management, construction of environmentally responsible residential real property, custom construction and building renovation, housing services, namely, repair, improvement, and construction of residential real property, installation and maintenance of solar thermal installations, or residential and building construction consulting.

ADMITTED.

REQUEST FOR ADMISSION NO. 27:

Admit that Opposer does not presently use the mark “VAN HALEN” in commerce in connection with design of specialty interior and exterior environment settings, interior design services, or interior design services including space planning, furniture selection, material and surface selection.

ADMITTED.

REQUEST FOR ADMISSION NO. 28:

Admit that Alex Van Halen, an individual, is one of the owners of Opposer ELVH, Inc. or otherwise has a direct financial interest in its business.

DENIED.

REQUEST FOR ADMISSION NO. 29:

Admit that Alex Van Halen was married to Applicant for a period of approximately 12 years, commencing on September 23, 1984.

ADMITTED.

REQUEST FOR ADMISSION NO. 30:

Admit that the document attached in Exhibit 1 is a true and correct copy of the Declaration of Edward Van Halen, president of ELVH, Inc., dated June 14, 2011 (the “Edward Van Halen Declaration”).

ADMITTED.

REQUEST FOR ADMISSION NO. 31:

Admit that the Edward Van Halen Declaration describes Opposer’s use of the name VAN HALEN with reference to no goods or services other than (1) production and sale of music albums, and (2) live performances by a musical group.

DENIED.

REQUEST FOR ADMISSION NO. 32:

Admit that the document attached in Exhibit 2 is a true and correct copy of the biography of the band VAN HALEN on the website rollingstone.com.

DENIED as to being true and Admitted as being the magazine's biography of the band Van Halen.

REQUEST FOR ADMISSION NO. 33:

Admit that Opposer's primary online promotional website for any goods or services which may be sold under the "VAN HALEN" mark is located at www.van-halen.com.

ADMITTED.

REQUEST FOR ADMISSION NO. 34:

Admit that Opposer's website located at www.van-halen.com states that "VAN HALEN" is a group of musical performers.

DENIED because Opposer has reviewed the website and cannot locate the wording "Van Halen is a group of musical performers."

REQUEST FOR ADMISSION NO. 35:

Admit that attached hereto in Exhibit 3 is a true and correct copy of the current contents of a website owned and operated by Janie Van Halen, located at janiesgotagun.com (the "Janie Van Halen Website").

Denied.

REQUEST FOR ADMISSION NO. 36:

Admit that Janie Van Halen has the right to use the name "JANIE VAN HALEN" in connection with the provision of the services described on the Janie Van Halen Website.

ADMITTED.

REQUEST FOR ADMISSION NO. 37:

Admit that You have no right to prevent Janie Van Halen from using the mark “JANIE VAN HALEN” in conjunction with the services described on the Janie Van Halen Website.

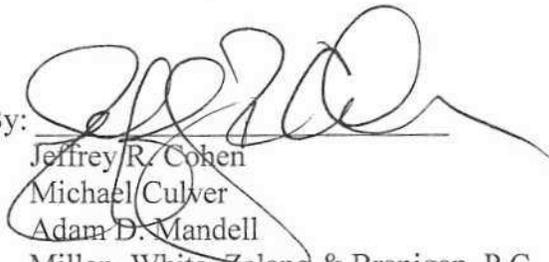
DENIED since Opposer disagrees that Janie Van Halen is a mark.

REQUEST FOR ADMISSION NO. 38:

Admit that Janie Van Halen’s use of the mark “JANIE VAN HALEN” in connection with providing the services described on the Janie Van Halen Website is not likely to cause confusion with any marks owned by You.

DENIED since Opposer disagrees that Janie Van Halen is a mark.

Date: June 22, 2012

By: 
Jeffrey R. Cohen
Michael Culver
Adam D. Mandell
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Arlington, Virginia 22201
Phone (703) 243-6333
Fax (703) 243-6410
Email cohen@mwzb.com
Attorneys for Opposer

Certificate of Service

This is to certify that a copy of the foregoing was served this 22 day of June 2012 by first-class mail, postage prepaid, on the following as Applicant's attorney of record:

Don Thornburgh, Esquire
DON THORNBURGH LAW CORPORATION
466 FOOTHILL BLVD # 220
LA CANADA FLINTRIDGE, CA 91011-3518

By: _____

Attorney for Opposer



Exhibit 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

	}	
	}	Application Ser. No. 77919644
	}	and Application Ser. No.
	}	77919645
ELVH, INC.	}	Marks: KELLYVANHALEN
	}	
Opposer,	}	
	}	
v.	}	Opposition No. 91195961
	}	
KELLY VAN HALEN	}	
	}	
Applicant.	}	

DECLARATION OF EDWARD VAN HALEN

Edward Van Halen hereby declares the following:

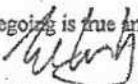
1. I am Edward Van Halen, president of ELVH, Inc.
2. The musical group Van Halen formed in 1972.
3. Warner Bros. Records released Van Halen's eponymous debut record in 1978. Since that time, *Van Halen* has sold over ten million copies in the United States and been awarded the Diamond certification by the Recording Industry Association of America (RIAA). The RIAA awards certification based on the number of albums and singles sold through retail and other ancillary markets—diamond is the RIAA's highest award.
4. Van Halen's album *1984* has also achieved sales of over ten million copies and been awarded the Diamond certification by the RIAA.
5. According to the RIAA, Van Halen is the nineteenth best-selling artist of all-time with sales of over 56 million albums in the United States alone. Attached hereto is a true and correct print-out from the RIAA's website, showing the top-selling artists of all time.
6. In 1991, Van Halen's album *For Unlawful Carnal Knowledge* received the Grammy Award for Best Hard Rock Performance With Vocal. Attached hereto is a true and correct print-out from the National Academy of Recording Arts and Sciences, which awards Grammy Awards annually, showing this award. Van Halen was inducted into the Rock and Roll Hall of Fame in 2007. The band has achieved numerous other music industry accolades, such as

the American Music Awards' award for Favorite Heavy Metal/Hard Rock Album (*For Unlawful Carnal Knowledge*—1992) and MTV Video music awards (multiple, including Video of the Year for "Right Now"—1992).

7. Since the band's inception, Van Halen has performed before countless fans throughout the world. In the United States, Van Halen's concert revenues surpass 500 million dollars.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: JUNE 14, 2011



Edward Van Halen



Van Halen

Starting with their Top Twenty debut album in 1978, Van Halen almost single-handedly redefined heavy metal as sunny, pop-friendly California party music that managed to retain its physical power and virtuoso credentials — a concept that would reverberate throughout the hair-metal Eighties. With Eddie Van Halen's highly original guitar pyrotechnics a constant through the years, Van Halen would shuffle their lineup again and again. Initially fronted by the flamboyant and ever-quotable David Lee Roth, the band garnered a loyal mass following that held fast long after Roth's 1985 departure, and through numerous well-publicized intra-band squabbles.

The Van Halen brothers' father, Jan, was a freelance saxophone and clarinet player who performed styles ranging from big band to classical in the Netherlands. The family moved to Pasadena, California in 1967, "with 15 dollars and a piano," as Eddie once said. Jan washed dishes, then played in wedding bands to support the family. Beginning around age six both Eddie and Alex received piano lessons and extensive classical music training, but with move to America they discovered rock & roll.

Eddie learned to play drums, and Alex learned to play guitar; eventually they traded instruments and started a band called Mammoth. Roth, the even-then outgoing and outrageous scion of a wealthy family and lead singer of another rival band, Redball Jet, joined them. The bassist and lead singer of another group, Snake, Michael Anthony came aboard shortly thereafter. After learning that there was already another group claiming the name Mammoth, the group considered calling themselves Rat Salade before deciding on Van Halen.

Van Halen played the Pasadena/Santa Barbara bar circuit for more than three years. Its sets initially consisted primarily of cover material ranging into disco to pop, but the band eventually introduced original songs and was soon one of the most popular groups in California, regulars at the Sunset Strip hard-rock club Gazzari's, and an opening act for Santana, Nils Lofgren, UFO, and other established acts.

In 1977 Kiss' Gene Simmons spotted Van Halen in L.A.'s Starwood club and financed its demo tape. After seeing the group and upon hearing Simmons' recommendation, Warner Bros. Records' Mo Ostin and staff producer Ted Templeman signed Van Halen. Its self-titled debut album hit Number 19 and eventually sold more than 6 million copies. The debut single, a pile-driving cover of the Kinks' 1964 hit "You Really Got Me," hit Number 36. The followup, "Runnin' With the Devil," hit Number 84.

Roth's swaggering good looks and extroverted persona, not to mention pithy, frequently tongue-in-cheek statements on the rock & roll lifestyle he claimed to espouse, assured press coverage. But while the mainstream media focused on Roth, musicians and fans were riveted by Eddie Van Halen's guitar mastery and an array of unorthodox techniques that he developed as he taught himself to play: rapid-fire hammer-ons and pull-offs, two-hand tapping, and any combination thereof to produce his unique sound. In

addition, the guitarist was also known to build and/or meticulously customize his instruments, using everything from sandpaper to chainsaws to alter the timbre of his instrument and achieve a distinct sound. Long before the group ever recorded, Eddie became a legend among local guitarists eager to learn the secret of his sound. Like countless guitarists before him, from Robert Johnson to Eric Clapton, Eddie began performing with his back to the audience to guard his technique.

Van Halen II (Number 6, 1979), released as new wave began coming to the fore, continued in the group's straight-rock style and featured their first Top 20 single, "Dance the Night Away," as well as the popular "Beautiful Girls." *Women and Children First* (Number 6, 1980) spun off the single "And the Cradle Will Rock" (Number 55, 1980) a metal showcase that typified the band's dense, loud, crunching style.

In 1979 Van Halen launched its second world tour, its first as headliner. Early on, the band embraced its larger-than-life image; for example, tour incidents ranged from Roth's breaking his nose on a lighting rig when jumping onstage to the band trashing its dressing room after a promoter failed to comply with the band's contractual stipulation that the backstage candy dish contain no brown M&Ms.

Fair Warning (Number 5, 1981), another multiplatinum effort and possibly the band's most meaty metal album, followed. The more light-hearted, almost campy *Diver Down* (Number Three, 1982), which included hit covers of Roy Orbison's "Oh, Pretty Woman" (Number 12, 1982) and Martha and the Vandellas' "Dancing in the Street" (Number 38, 1982) became the group's highest-charting album to that point. (In 1981 Eddie married actress Valerie Bertinelli; in 1991 their son, Wolfgang, was born. Three years later, Eddie stopped drinking.)

Van Halen's biggest album with Roth was *1984* (Number Two, 1984), which contained the Number One hit "Jump" (on which Eddie played synthesizer) as well as "I'll Wait" (Number 13, 1984), "Panama" (Number 13, 1984), and "Hot for Teacher" (Number 56, 1984), all songs supported by popular videos that showcased both Roth's alternately boastful and clownish persona and Eddie (and the rest of the group's) flashy musicianship. Shortly before *1984*'s release, Eddie Van Halen had composed and played the guitar solo on Michael Jackson's "Beat It," a few bars of heavy metal that many observers believed helped the video land a spot on MTV's then predominantly white playlist.

The loquacious Roth and the soft-spoken Eddie had long been considered one of rock's oddest couples. When in 1985 Roth released his four-song EP, *Crazy From the Heat*, and it spun off two hit singles — covers of the Beach Boys' "California Girls" (Number Three, 1985) and of the 1956 Louis Prima medley "Just a Gigolo"/"I Ain't Got Nobody" (Number 12, 1985) — a breakup was widely rumored. The videos for the two songs were hugely popular, and for a time Roth had a film in development (the deal fell through). When Roth delayed recording for Van Halen's seventh album, tensions rose, and Roth left the band. That June, established hard-rock singer and former Montrose frontman Sammy Hagar was named Roth's replacement.

The Hagar era began auspiciously, with the group's next three multiplatinum albums — *5150*, *OU812*, and *For Unlawful Carnal Knowledge* (or "F.U.C.K.," as it's slyly abbreviated) — all hitting Number One. Among the hit singles from these records were "Why Can't This Be Love" (Number Three, 1986), "Dreams" (Number 22, 1986), and "Feels So Good" (Number 35, 1989). Van Halen headlined the Monsters of Rock Tour in 1988 and in 1991 bought the Cabo Wabo Cantina, a Cabo San Lucas, Mexico, restaurant and bar. (Hagar later bought out the other members.) The innovative, text-oriented 1992 video for "Right Now" didn't boost the single beyond Number 55, but it did win MTV's Best Video of the Year award and provided the theme for a round of Pepsi commercials shortly thereafter. The year 1993 saw the release of the band's first live album, *Van Halen Live: Right Here, Right Now* (Number Five). *Balance*

debuted at Number One in 1995 and sold double-platinum nearly immediately upon its release. It contained one Top Thirty hit, "Can't Stop Lovin' You."

Throughout his tenure with Van Halen, Hagar continued to release solo albums. While this wasn't considered a problem by the other members, tempers flared in spring 1996, when the band finished the Balance tour. Hagar's wife was pregnant and he wanted to take time off; the rest of the group wanted to work on a few new tracks for a greatest-hits compilation, an idea that Hagar was against. Some speculated that Hagar objected because a best-of package would undoubtedly feature songs from the Roth era, songs Hagar had declined to sing in concert.

In June of that year, Van Halen claimed that Hagar left the band, while Hagar insisted that he was fired — a difference in opinion that has lasted to this day. The remaining members of Van Halen invited Roth back into the studio with them to record two new tracks for the hits album. That fall, the apparently reunited foursome presented a trophy at the MTV Video Music Awards, and speculation was that Roth was back in the band full-time. Apparently Roth thought so, too, because he was miffed when Eddie, the band's spokesperson, clarified in a press statement that Van Halen's intentions were to include Roth in a couple of new recordings and nothing more. Again, the difference of opinion regarding the group's original intention prevails.

With Hagar gone and Roth out of the picture again, Van Halen hired ex-Extreme singer Gary Cherone as its new lead vocalist in November 1996. The choice was initially surprising, since Extreme's biggest hits, "More Than Words" and "Hole Hearted," were ballads. But the bulk of that band's catalogue was hard rock, and the collaboration seemed to reinvigorate Eddie Van Halen. He and Cherone immediately began writing songs together, with Cherone's lyrics inspiring Eddie's music — the first time the group's music wasn't written first.

This new incarnation recorded *Van Halen III* (Number Four, 1998), an album that signaled another Van Halen first: Eddie singing lead on one song. The band toured and the single "Without You" rose to Number One on the Mainstream Rock chart, but CD sales fell quickly. The release sold just 500,000 copies, making it the first Van Halen album not to go at least double platinum. In November 1999 Cherone left the band. He recorded a solo album and returned to a Massachusetts stage production of *Jesus Christ Superstar*, which he starred in after Extreme broke up.

Meanwhile, Eddie Van Halen, a heavy smoker, participated in what was said to be a clinical trial of preventative treatment for tongue cancer in 2000. In 2001 he revealed that he had been treated for cancer.

Roth's solo career yielded three platinum albums, with his third and fourth albums, *Eat 'Em and Smile* and *Skyscraper*, both Top 10, featuring the hits "Yankee Rose" (Number 16, 1986, from *Eat*) and "Just Like Paradise" (Number Six, 1988, from *Skyscraper*). The band for *Eat 'Em* included bassist Billy Sheehan, guitarist Steve Vai, and drummer Greg Bissonette. This lineup remained fairly steady for *Skyscraper*, but Sheehan left, and in 1989 Vai began his solo career. *A Little Ain't Enough*, a critical and commercial disappointment despite its Top 20 showing, had no hit singles.

In 1991 Roth fired his band and moved to New York City, where in April 1993 he was arrested while purchasing a small amount of marijuana in Washington Square Park (he received a year's probation). His 1994 release, *Your Filthy Little Mouth*, continued the decline, and a 1998 album credited to the DLR Band fared no better. Even commenting on his low commercial standing, Roth remained quotable as ever and published a breezy, explicit autobiography entitled, *Crazy From the Heat* (with Paul Scanlon), in 1997.

In 2002, the first of three Van Halen-related unthinkables happened when Roth hooked up with his nemesis, fellow former VH singer Hagar, for a joint tour some dubbed "The Sam and Dave Tour" (Hagar suggested "Sans Halen"). The second unthinkable happened the following year when Van Halen announced it was working with Hagar again on a track for a greatest-hits collection.

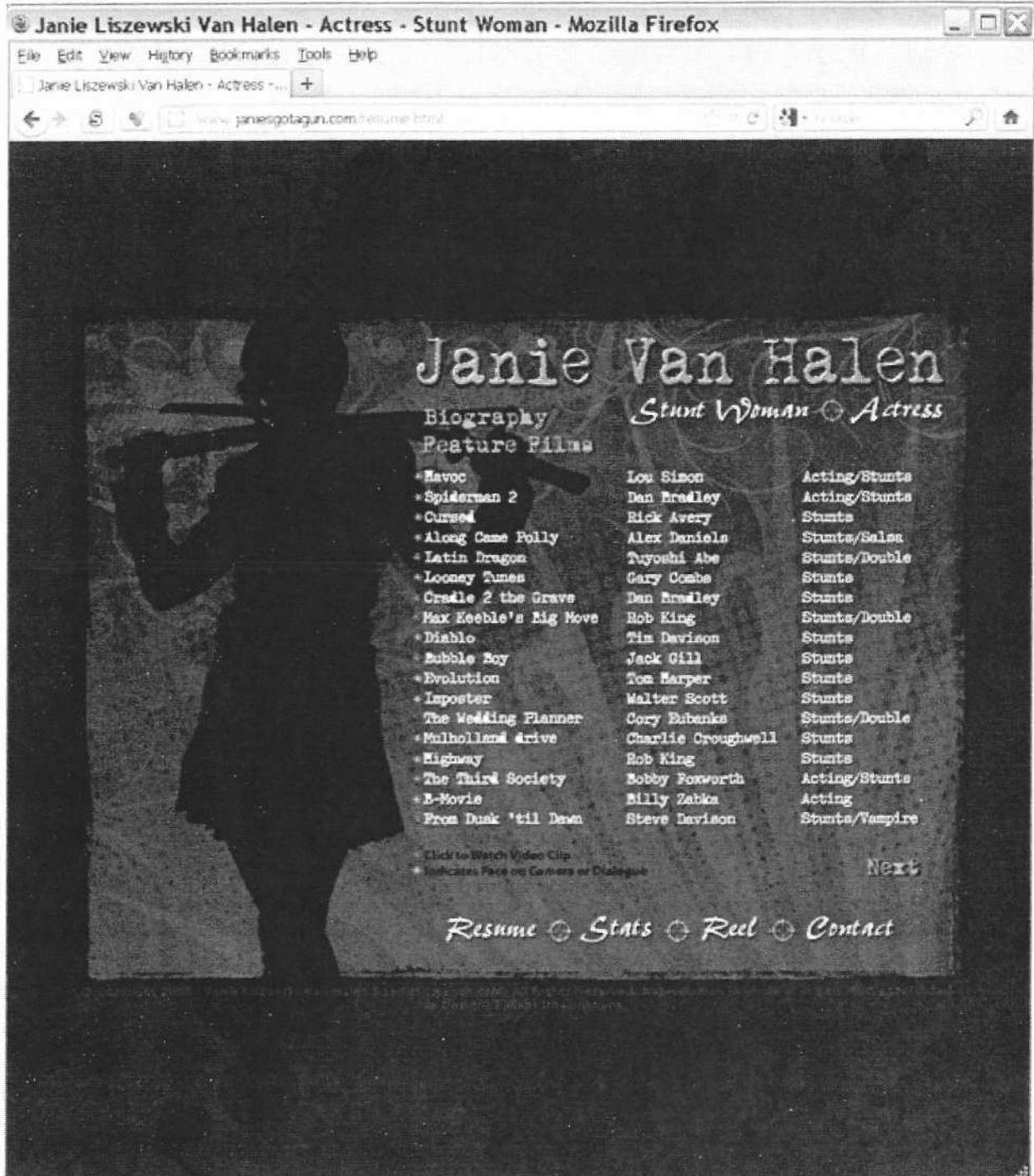
In 2004, the band released *The Best of Both Worlds* (Number Three), featuring alternating tracks from the Roth and Hagar years, and then hit the road with Hagar. The band's comeback tour was one of the top ten tours of 2004, grossing \$55 million. The group went into hibernation again after the tour, as Eddie Van Halen headed into rehab for alcohol abuse. Then, in late 2006, he announced that Roth had been invited to participate in a reunion of the original band. Music journalists were skeptical, given the fiasco of the lineup's aborted reunion. Indeed, the first string of shows was canceled to allow Eddie to enter rehab in early 2007. In the meantime, the band was inducted into the Rock and Roll Hall of Fame (with both Hagar and Roth on the inductee list; Hagar and Anthony were the sole attendees).

But sure enough, in September 2007, Diamond Dave and his ex-bandmates (minus Anthony, with replacement Wolfgang Van Halen, Eddie's son, on bass) kicked off their long-awaited reunion tour in Charlotte, North Carolina. The tour received generally positive reviews, and *Rolling Stone's* 2007 year-end issue listed the reunion as "Miracle of the Year." With Eddie fighting rehab and health issues, the 74-date show was seen by nearly a million people and grossed over \$93 million. The group also hinted that a new Roth-fronted Van Halen album might follow. Meanwhile, in 2009, Anthony and Hagar — who had toured in recent years as "The Other Half" — joined up with master guitarist Joe Satriani and Red Hot Chili Peppers drummer Chad Smith in the band Chickenfoot, whose self-titled debut album charted at Number Four.

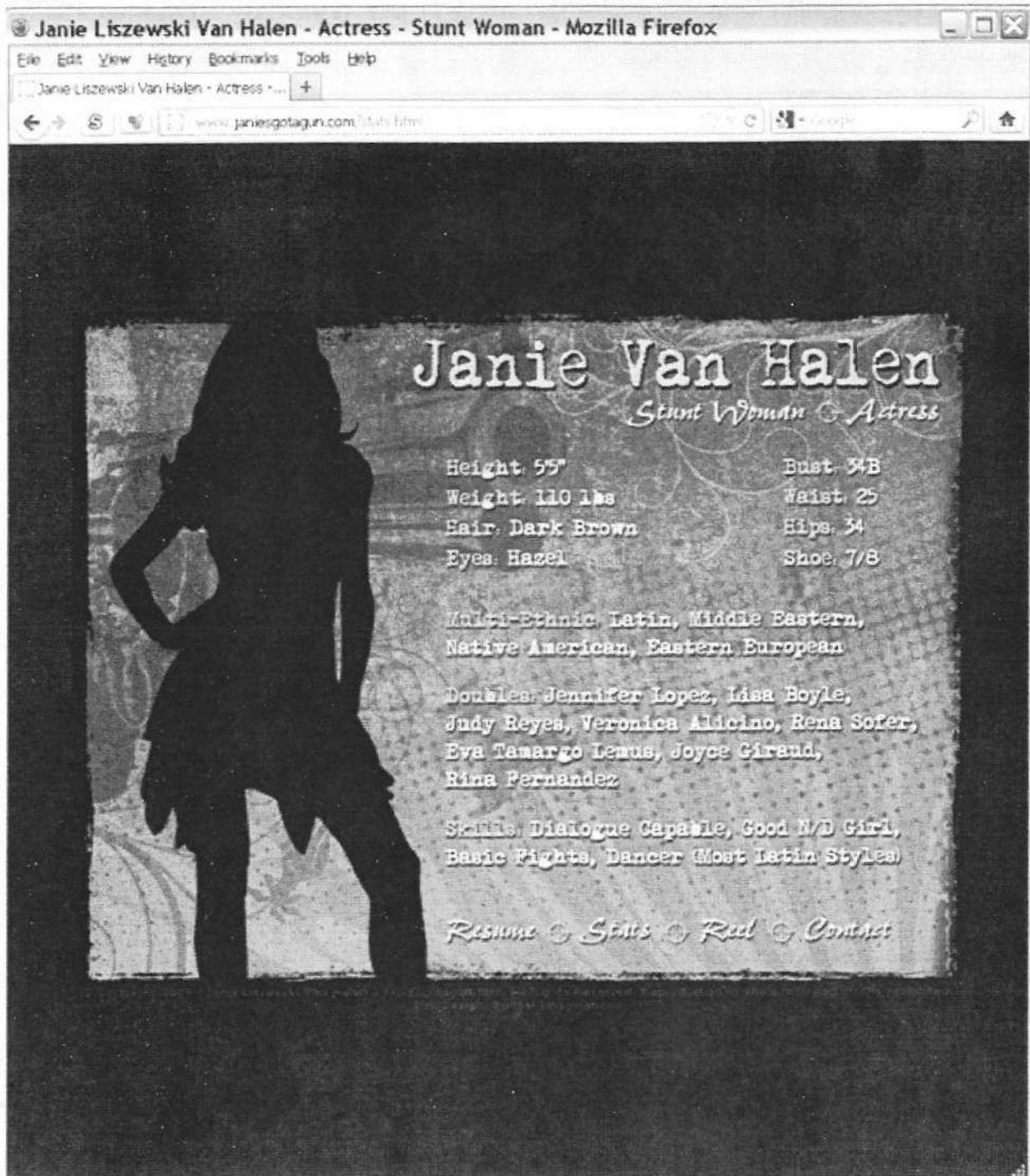
Portions of this biography appeared in The Rolling Stone Encyclopedia of Rock & Roll (Simon & Schuster, 2001). Chuck Eddy contributed to this article.

Exhibit 3

The Janie Van Halen Website
(page 1 of 5)



The Janie Van Halen Website
(page 2 of 5)



Janie Liszewski Van Halen - Actress - Stunt Woman - Mozilla Firefox

File Edit View History Bookmarks Tools Help

Janie Liszewski Van Halen - Actress - ... +

www.janiesgotag.us.com/stats.html

Janie Van Halen

Stunt Woman & Actress

Height: 5'5"	Bust: 34B
Weight: 110 lbs	Waist: 25
Hair: Dark Brown	Hips: 34
Eyes: Hazel	Shoe: 7/8

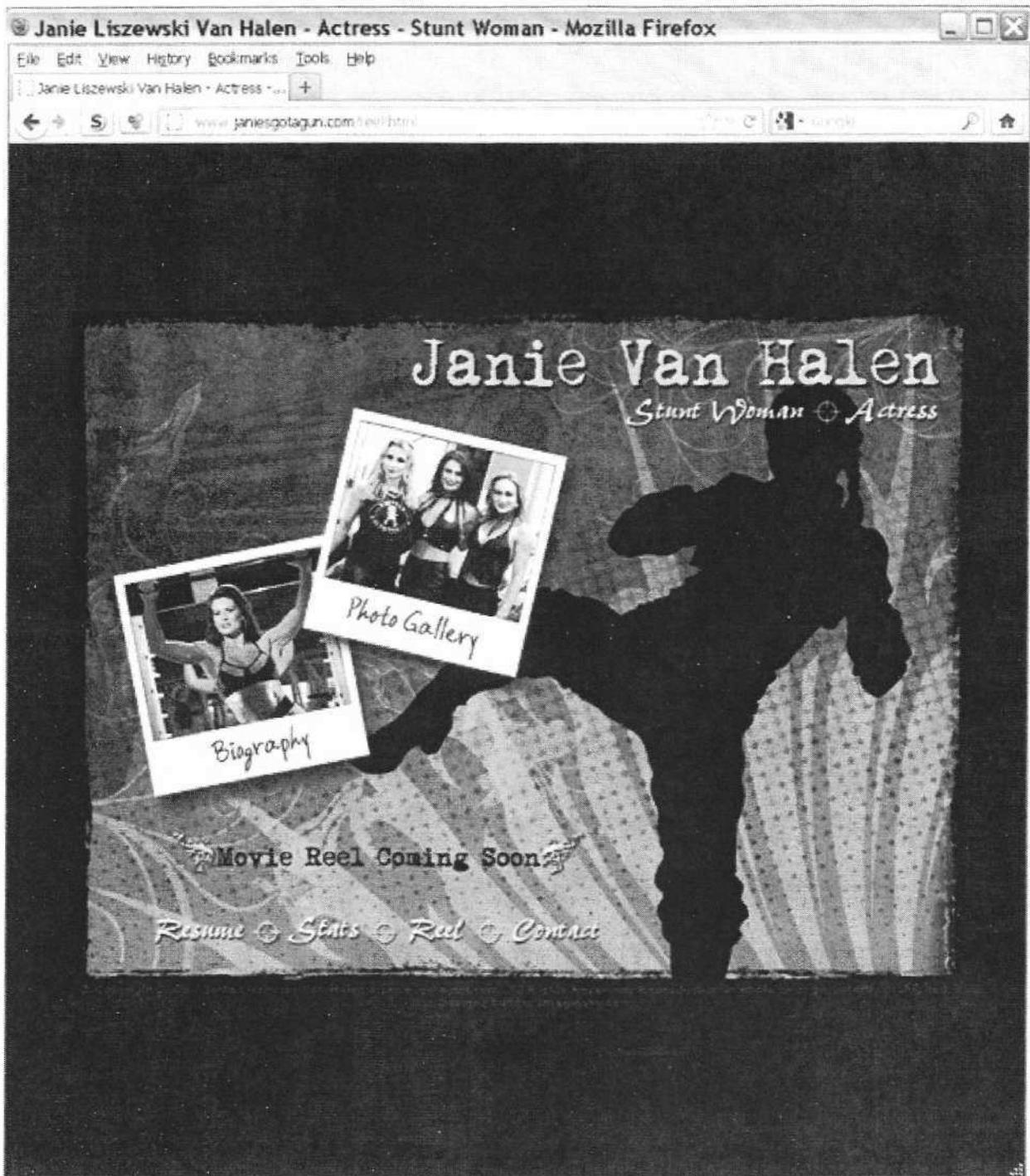
Multi-Ethnic: Latin, Middle Eastern, Native American, Eastern European

Doubles: Jennifer Lopez, Lisa Boyle, Judy Reyes, Veronica Alicino, Rena Sofer, Eva Tamargo Lemus, Joyce Giraud, Rina Fernandez

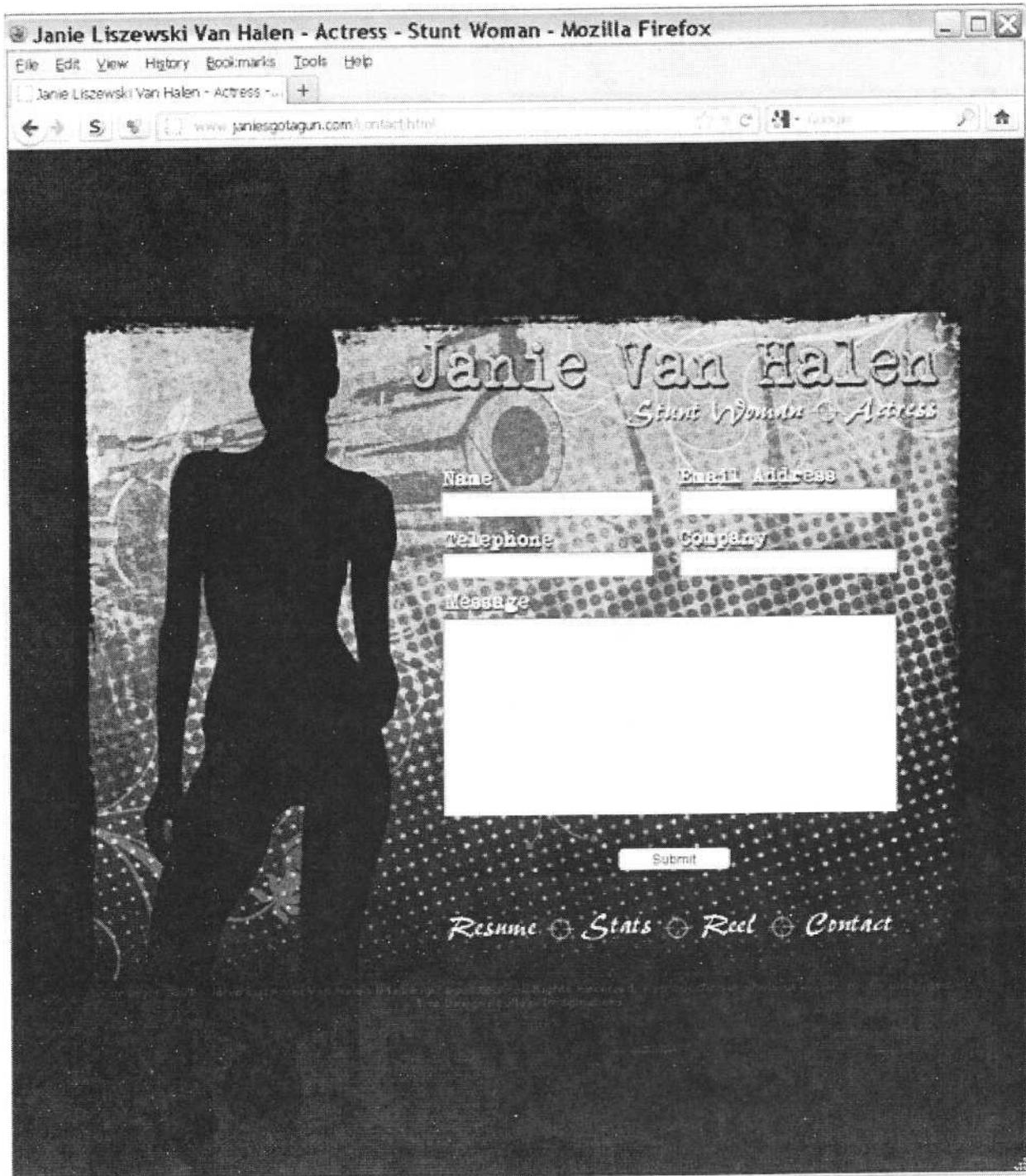
Skills: Dialogue Capable, Good N/D Girl, Basic Fights, Dancer (Most Latin Styles)

Resume & Stats & Red & Contact

The Janie Van Halen Website
(page 3 of 5)



The Janie Van Halen Website
(page 4 of 5)



Janie Liszewski Van Halen - Actress - Stunt Woman - Mo...

www.janiesgotagun.com/bio.html

With a unique blend of beauty and athleticism, Janie Van Halen continues lighting up stage and screen as a stuntwoman, model and actress.

As a child, Janie's formative years took place in a variety of locales that mirror her multi-cultural heritage. Born in Philadelphia, Penn., she found herself growing up in diverse spots throughout the U.S., including a Native American reservation in South Dakota and on a Minnesota farm. At age 12, Janie migrated with her family to Southern California.

Years of dance and theatre training aside, Janie and her tomboy heart gravitated toward athletic endeavors. She competed in regional and national fitness competitions like Miss Fitness USA, and went on to appear in commercials for active wear and fitness equipment companies. In 2000, she snagged the Miss December spot in the Fitness Supermodels calendar.

Hollywood came calling, and Janie channeled her talents into acting and stunts.

A bet from a friend to crash an audition for director Robert Rodriguez and producer Lawrence Bender led Janie to her first stunt job in the horror feature "From Dusk Till Dawn" as a killer vampire.

From there, Janie began racking up an impressive list of co-starring and stunt performer roles in scores of TV shows, feature films, music videos, commercials and video games.

Taken under the wing by some of the most elite stuntmen and women in the industry, Janie found she had a knack for the art form. On screen, she can be seen throwing punches, hitting the ground and taking falls for some of Hollywood's hottest actresses, including Jennifer Lopez and Judy Reyes ("Scrubs").

In 2004, Janie took a hiatus from her entertainment career and launched her PR firm, High Profile Media. Hall of Fame rock icons Van Halen remain her company's exclusive client.

After a year on the road for the Van Halen 2007/2008 North American tour, an Hawaiian vacation was in order for the road-weary publicist. It was there in August 2008 that Janie accepted the proposal of marriage from longtime beau and legendary guitarist Eddie Van Halen. The couple wed in June 2009.

And her desire for the exhilarating arts continues. Janie currently trains in sword fighting, aerial tissu and dance, and is expanding her stunt and acting skills for upcoming appearances.